DILLINGHAM & MURPHY, LLP DENNIS J. KELLY (SBN 191414) HSIAO C. (MARK) MAO (SBN 236165) BROOKE S. PURCELL (SBN 260058) 225 Bush Street, 6th Floor 3 San Francisco, California 94104-4207 4 Telephone: (415) 397-2700 Facsimile: (415) 397-3300 5 djk@dillinghammurphy.com mcm@dillinghammurphy.com 6 bsp@dillinghammurphy.com 7 Attorneys for Defendants PACIFÍC WEST SECURITIES, INC., ASPIRE INVESTMENTS, INC., 8 ASPIRE REAL ESTATE, INC., and 9 EDWARD S. BRODA 10 IN THE UNITED STATES DISTRICT COURT 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA 12 13 SAN FRANCISCO RESIDENCE CLUB, Case No. 3:09-CV-02054-SC 14 INC., DONAHUE O'SHEA, LLC, THOMAS P. O'SHEA, individually and as TRUSTEE STIPULATION AND [PROPOSED] FOR THE TRUST OF THOMAS P. AND 15 ORDER RE. REMOVAL AND ANNE O'SHEA, REPLACEMENT OF DOCUMENTS 16 INCORRECTLY FILED WITH THE Plaintiffs, MOTION FOR SUMMARY JUDGMENT 17 OF PACIFIC WEST SECURITIES, INC. AND ASPIRE INVESTMENTS, INC. v. 18 HENRY A. AMADO, ABACUS 19 FINANCIAL GROUP, LLC, WHITE SANDS ESTATES, LLC EDWARD S. BRODA, ASPIRE REAL ESTATE, INC., ASPIRE 20 INVESTMENTS, INC., PACIFIC WEST SECURITIES, INC., GREGORY FISH and 21 G.D. FISH & ASSOCIATES, and DOES 1 through 100, inclusive, 22 23 Defendants. 24 25 WHEREAS on December 23, 2010, declarations of Tony Pizelo and Edward S. Broda 26 were submitted in support of the Motion for Summary Judgment filed by Pacific West 27 28 Page 1 - Case No. 3:09-CV-02054-SC

STIP. AND [PROPOSED] ORDER RE REMOVAL AND REPLACEMENT OF DOCS. INCORRECTLY FILED WITH THE MTN. FOR SUM. JUDG. OF PAC. WEST SECUR., INC. AND ASPIRE INVEST., INC.

Securities, Inc. and Aspire Investme	ents, Inc. Those documents are respectively referred to as
Docket Numbers 130 and 133.	
WHEREAS several of the ex	xhibits attached to the two declarations mistakenly
contained un-redacted private inform	mation.
WHEREAS on Tuesday, De	ecember 28, 2010, counsel to plaintiffs informed defense
counsel of the inclusion of such private	vate information.
WHEREAS counsel signing	hereto have agreed to and request that the Court Order that
the documents, Docket Numbers 13	0 and 133, be removed from the docket and replaced with
the redacted versions, attached here	to as Exhibits A and B.
By stipulation between plain	ntiffs San Francisco Residence Club, Inc., Donahue,
O'Shea, LLC, and Thomas P. O'She	ea, individually and as Trustee for the Trust of Thomas P.
and Anne O'Shea, and defendants F	Pacific West Securities, Inc., Aspire Investments, Inc.,
Aspire Real Estate, Inc. and Edward	d S. Broda, the parties request that the Court Order Docket
Numbers 130 and 133 be replaced v	with the attached Exhibits A and B.
IT IS SO STIPULATED.	
	Respectfully submitted,
Dated: December 30, 2010	/s/Brooke S. Purcell
	Brooke S. Purcell DILLINGHAM & MURPHY, LLP
	225 Bush Street, 6 th Floor San Francisco, California 94104
	Telephone: (415) 397-2700
	Attorney for Defendants Pacific West Securities, Inc.,
	Aspire Investments, Inc., Aspire Real Estate, Inc., and Edward S. Broda
Dated: December 30, 2010	/s/Eugene N. Bulso, Jr.
	Eugene N. Bulso, Jr. (admitted <i>pro hac vice</i>) LEADER, BULSO, NOLAN &
	BURNSTEIN, PLC 414 Union Street, Suite 1740
	Nashville, Tennessee 37219
	Telephone: (615) 780-4110 gbulso@leaderbulso.com
	Docket Numbers 130 and 133. WHEREAS several of the excontained un-redacted private inform WHEREAS on Tuesday, Decounsel of the inclusion of such private WHEREAS counsel signing the documents, Docket Numbers 13 the redacted versions, attached here By stipulation between plair O'Shea, LLC, and Thomas P. O'Sh and Anne O'Shea, and defendants F. Aspire Real Estate, Inc. and Edward Numbers 130 and 133 be replaced with Its SO STIPULATED. Dated: December 30, 2010

Page 2 - Case No. 3:09-CV-02054-SC STIP. AND [PROPOSED] ORDER RE REMOVAL AND REPLACEMENT OF DOCS. INCORRECTLY FILED WITH THE MTN. FOR SUM. JUDG. OF PAC. WEST SECUR., INC. AND ASPIRE INVEST., INC.

1	Michael J. M. Brook (Bar No. 139595)
2	<u>LANAHAN & REILLEY, LLP</u> 600 Bicentennial Way, Suite 300
3	Santa Rosa, California 95403 Telephone: (707) 524-4218
4	mbrook@lanahan.com
5	Attorneys for Plaintiffs, SAN FRANCISCO
6	RESIDENCE CLUB, INC., DONAHUE, O'SHEA, LLC, and THOMAS P. O'SHEA, Individually
7	and as Trustee for the TRUST OF THOMAS P. AND ANNE O'SHEA
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10	SIGNATURE ATTESTATION
11	I, Brooke S. Purcell, counsel of record for Pacific West Securities, Inc., Aspire
12	Investments, Inc., Aspire Real Estate, Inc., and Edward S. Broda, hereby attest that I have
13	obtained written permission from each counsel of record herein to submit the instant
14	Stipulation and [Proposed] Order Re. Removal and Replacement of Documents Incorrectly
15	Filed With the Motion for Summary Judgment of Pacific West Securities, Inc. and Aspire
16	Investments, Inc. using the "conformed" signatures (/s/) within this e-filed document.
17	Dated: December 30, 2010 /s/Brooke S. Purcell
18	Brooke S. Purcell DILLINGHAM & MURPHY, LLP
19	225 Bush Street, 6 th Floor San Francisco, California 94104
20	Telephone: (415) 397-2700
21	Attorney for Defendants Pacific West Securities, Inc.,
22	Aspire Investments, Inc., Aspire Real Estate, Inc., and Edward S. Broda
23	
24	
25	IT IS HEREBY ORDERED
26	Pursuant to the above stipulation among plaintiffs San Francisco Residence Club, Inc.,
27	Donahue O'Shea, LLC, Thomas P. O'Shea, individually and as Trustee for the Trust of
28	

1	Thomas P. and Anne O'Shea and defendants Pacific West Securities, Inc., Aspire Investments,
2	Inc., Aspire Real Estate, Inc., and Edward S. Broda (hereafter the "Stipulation of the Parties"),
3	documents designated as Docket Numbers 130 and 133 will be removed from the docket for
4	this matter and replaced with redacted copies of the same, attached as Exhibits A and B to the
5	Stipulation of the Parties.
6	IT IS SO ORDERED,
7	~ 1101
8	Dated: _12/30, 2010
9	Hon. Richard Seeborg Judge of the District Court
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